UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,859	01/15/2002	Mikael Johansson	8194-583	5132

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EXAMINER
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ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/047,859	JOHANSSON ET AL.
	Examiner	Art Unit
	Brenda Pham	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-13,15-20 and 22-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-13,15-20 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

PROSECUTION REOPENED

1.   In view of the Appeal Brief filed on 03/08/07, PROSECUTION IS HEREBY

REOPENED. Detail Action set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied t the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

DETAILED ACTION

2.   Claims 1, 3-8, 10-13, 15-20 and 22-26 are pending in the application.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1, 3-8, 10-13, 15-20, 22-26 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 7,158,533. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 3-8, 10-13, 15-20 and 22-26 of the application encompass the patented invention of claims 1-13 of Patent No. US 7,158,533.

Regarding independent claims 1, 8, 13, 18, 20 and 25, US 7,158,533 claimed:

A wireless base station for use in a wireless mobile data communication system and method, the wireless base station comprising:

a radio communications unit operative to communicate radio signals to and from mobile terminals; and

a mobile data communications interface coupled to the radio communications circuit and configured to connect to a node of a backbone network of the wireless mobile data communication system, the mobile data communications interface including a self configuring network interface operative, responsive to receipt of a datagram from node of the backbone network including an assigned port number and/or a network address in a destination field of a header of the datagram, to configure itself to accept datagrams addressed to the assigned port number and/or internet address over the backbone network (see claim 1, claim 3 and claim 12-13).

Regarding claim 7, 12, 17, 19, 24 and 26 US 7,158,533 claimed:

Wherein the wireless mobile data communication system comprises a Cellular Digital Packet Data (CDPD) system, and wherein the wireless base station comprises a Mobile Data Base Station (MDBS). (See claims 4 and 11).

Claims 3, 4, 10, 15 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 7,158,533 in view of Applicant's Admitted Prior Art.

Regarding claims 3, 4, 10, 15, and 22 US Patent No. 7,158,533 does not claimed communicating the datagram including the Internet address to a router of the backbone network. It would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the invention of US Patent No. 7,158,533 to communicating via a router of the backbone network, such as that discloses in the AAPA (figure 1).

Regarding claims 5-6, 11, 16 and 23, US Patent No. 7,158,533 does not claimed wherein the assigned port number and/or internet address comprises one of a TCP port number, a UDP port number, a TP4 port number, an IP address or a CNLP address. Aoki teaches communicating the datagram according to IP. It would have been obvious to include IP address in the US Patent No. 7, 158,533 for access the Internet.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claims 8 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "responsive to receipt of a datagram from

node of the backbone network including an assigned port number and/or a network address in a destination field of a header of the datagram, to configure itself to accept datagrams addressed to the assigned port number and/or internet address over the backbone network." The written description was not described "a network address" together with "internet address".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 13, 15-17, 20, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US 5,983,090) in view of Applicant's Admitted Prior Art, hereinafter refer to as AAPA.

Regarding claims 13, 20, 22, Aoki discloses a controller for a wireless mobile data communications system (service provider SP), the controller comprising:

means for determining a port number and/or an internet address assigned to a wireless base station of the wireless mobile data communication, "the service provider in accordance with a protocol, such as TCP/IP (Transmission Control Protocol/Internet Protocol) and then obtains an IP address "IP1" for the base station from the service provider SP", "The service then assigns to the base station BS1 the IP address IP1 for access to Internet", Col. 5, lines 20-25, Col. 5, lines 60-65; and

means for transmitting a datagram including the assigned port number and/or internet address in a destination field of a header of the datagram to the wireless base station via a network of the wireless mobile data communication system ("the base station BS acquires the IP address "IP1" for base station from the service provider SP", Col. 6, line 28-30, also see figure 5.

Aoki further teaches a computer-readable storage medium embodied control program for configuring a wireless base station (Col. 5, lines 8-13).

Although Aoki teaches the service provider SP transmitting a datagram to the wireless base station via a public network, not via backbone network, such as in the claim. It would have been obvious to those having ordinary skill in the art at the time of the invention was made to transmitting a datagram via backbone network, such as that discloses in the AAPA (figure 1).

Regarding claim 15, Aoki does not teach communicating the routed datagram to the wireless base station via a frame relay connection between the wireless base station and the router. This limitation is taught by AAPA in Figure 1.

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the step of communicating the datagram to the wireless base station via a frame relay connection between the wireless base station and the router via a conventional Cellular Digital Packet Data communication system, such as taught by AAPA.

Regarding claims 16 and 23, Aoki further teaches communicating the datagram according to IP.

Regarding claims 17 and 24, AAPA further teaches wherein the wireless base station comprises a Mobile Data Base Station (MDBS) of a Cellular Digital Packet Data (CDPD) system (See Figure 1).

9.   Claims 1, 3-8, 10-11, 18, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US 5,983,090) in view of Applicant's Admitted Prior Art, hereinafter refer to as AAPA further in view of Thro et al (US 5,940,768).
Regarding claims 1, 8, 18 and 25 Aoki discloses a wireless base station and method of configuring a wireless base station of a wireless mobile data communication system, the method comprising:

determining a port number and/or an internet address to be assigned to the wireless base station ("the service provider in accordance with a protocol, such as TCP/IP (Transmission Control Protocol/Internet Protocol), and then obtains an IP address "IP1" for the base station from the service provider SP." (see Col. 5, lines 23-26);

communicating a datagram including the assigned port number and/or internet address in a destination field of a header of the datagram from a controller of the wireless mobile data communication system to the wireless base station via a network of the wireless mobile data communications system ("the service provider SP sends to

the base station BS1 data in which IPx is set as the source address and IP1 is set as

the destination address (see Figure 5);

. Aoki further teaches a computer-readable storage medium embodied control

program for configuring a wireless base station (Col. 5, lines 8-13).

Although Aoki teaches the service provider SP transmitting a datagram to the

wireless base station via a public network, not via backbone network, such as in the

claim. It would have been obvious to those having ordinary skill in the art at the time of

the invention was made to transmitting a datagram via backbone network, such as that

discloses in the AAPA (figure 1).

responsive to receipt of the datagram at the wireless base station, configuring the

wireless base station to accept datagrams addressed to the assigned port number

and/or internet address ("the base station BS acquires the IP address "IP1" for base

station from the service provider SP", Col. 6, line 15-20). The base station configure

itself to accept datagrams addressed to the assigned internet address is inherently

included in the base station for determine whether the datagram with the assigned IP1

address is sent to the base station in order to accept the datagram.

Alternatively, Thro et al, in the same field of endeavor, teaches a infrastructure

transceiver (base station) receives some information regarding operation of the

infrastructure transceiver. The information includes a system identification

corresponding RF communication system, a site identification assigned to the

infrastructure transceiver (IP1 Internet address assigned to the base station in Aoki), a

list of modulation types that may be used within the RF communication system, and

information that identifies those RF channels which are available for use proximal to the

infrastructure transceiver....With the information regarding operation of the transceiver,

the infrastructure transceiver configures itself and initiate the scan." Col. 5, lines 31-67).

Therefore, it would have been obvious to those having ordinary skill in the art at

the time of the invention was made to implement the base station with means for self-

configuring based on the datagram transmitting from the server.

Regarding claims 3-4, 10, Aoki does not teach communicating the routed

datagram to the wireless base station via a frame relay connection between the wireless

base station and the router. This limitation is taught by AAPA in Figure 1.

Therefore, it would have been obvious to those having ordinary skill in the art at

the time of the invention was made to implement the step of communicating the

datagram to the wireless base station via a frame relay connection between the wireless

base station and the router via a conventional Cellular Digital Packet Data

communication system, such as taught by AAPA.

Regarding claim 5-6, 11, Aoki further teaches communicating the datagram

according to IP.

Regarding claims 7, 12, 19, 26, AAPA further teaches wherein the wireless base

station comprises a Mobile Data Base Station (MDBS) of a Cellular Digital Packet Data

(CDPD) system (See Figure 1).

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.
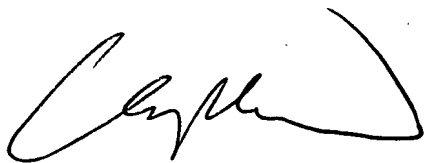
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

October 12, 2007
Brenda Pham

Brenda A. Pham

BRENDA PHAM
PRIMARY EXAMINER

CHI PHAM
SUPERVISORY PATENT EXAMINER   6/18/07